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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,746	09/30/2003	Brian KwangShik Hong		8008

33376 7590 01/12/2009
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EXAMINER

WONG, ALLEN C

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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01/12/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/675,746
Filing Date: September 30, 2003
Appellant(s): HONG ET AL.

Kenneth L. Tolar
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/10/08 appealing from the Office action mailed 5/13/08 **(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

Pending claims 6-13 are rejected, wherein claims 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Shimizu (EP 1 065 642 A2), and claims 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu (EP 1 065 642 A2) in view of Tsuchiya (5,530,420).

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Shimizu et al, EP 1065642 A2, "Vehicle Drive Assist System", January 3, 2001

US 5530420

TSUCHIYA ET AL

6-1996

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Shimizu (EP 1 065 642 A2).

Regarding claim 6, Shimizu discloses a peripheral viewing system for a vehicle wherein said vehicle includes two opposing sides, a steering wheel positioned within a passenger compartment and a rear (fig.1, note Shimizu discloses a vehicle driving assist system for providing a peripheral viewing system in a vehicle 1, and that comprises a steering wheel 7 that is placed within the passenger compartment, and that vehicle has right side, left side and a rear, also see page 18, col.34, ln.12-15), the viewing system comprising:

a pair of cameras, one of said cameras mounted on one of said sides of the vehicle, another of said cameras mounted on another of said sides of the vehicle (fig.11,

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note there are cameras 10 located on the right (R) and left (L) sides of the vehicle; also on page 23, col.43, line 54 to col.44, line 7, in fig.21A, element 10L is a camera mounted on the left side of vehicle 1, and element 10R is the camera mounted on the right side of the vehicle 1);

a pair of video displays mounted within said passenger compartment, and positioned therein to be readily visible by a driver, each video display in selective communication with a designated one of said cameras (fig.12, Shimizu discloses there are a pair of video displays like fig.12(2), in that the left and right images are shown simultaneously for being readily visible to the driver where the left and right cameras 10 of fig.11 are used to communicate with the L and R displays as illustrated in fig.12 (2) and col.40, ln.49-55);

a microprocessor means in communication with each of said cameras and said displays for continuously processing images received from each of said cameras and for continuously transmitting said images to each of said displays (col.43, ln.32-38, note the use of parking assist ECU (electronic control unit) 76 in that it comprises a microprocessor as shown in fig.3 of the ECU 6, wherein fig.3 illustrates the use of a microprocessor or DSP 20 for communicating with the left and right cameras 10 of fig.19 so as to produce the left and right displays of the image data obtained by the left and right cameras, and in col.44, ln.23-30, note the images are simultaneously displayed, and that the system can be set to continuously check the broad area, including the left, right and rear areas, of the images as transmitted by the left, right and rear cameras for continuously transmitting the images to the driver, as seen in fig.12

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(2)-(4), in that multiple images from multiple cameras can be simultaneously displayed by continuously transmitting the image data obtained by the left, right and rear cameras).

Regarding claim 7, Shimizu discloses the peripheral viewing system according to claim 6 further comprising: a third camera mounted on the rear of said vehicle, said third camera connected to said microprocessor means (col.40, ln.45-47, fig.11, note element 10 located on back (B) of vehicle 1; also col.44, ln.5-7 and fig.21A, element 10B, and in fig.19, cameras 10 is connected to the ECU 76, wherein fig.3 illustrates the use of a microprocessor or DSP 20 for communicating with the left, right and rear cameras 10 of fig.19 so as to produce the left, right and rear displays of the image data obtained by the left, right and rear cameras); a third video display mounted within the vehicle passenger compartment, said third video display in selective communication with said third camera (fig.12(3)-(12), note "B" is located on the multiple display to signify the rear view of the camera located on the rear of the vehicle, along with the left (L) and right (R) views) via said microprocessor means for continuously depicting images behind said vehicle (col.44, ln.23-30, note the images are simultaneously displayed, and that the system can be set to continuously check the broad area, including the left, right and rear areas, of the images as transmitted by the cameras).

Regarding claim 8, Shimizu discloses further comprising a warning means for alerting a driver of an approaching vehicle (col.43, ln.32-38 and col.44, ln.18-22; Shimizu discloses the alarm is displayed to warn the driver of approaching vehicle).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu (EP 1 065 642 A2) in view of Tsuchiya (5,530,420).

Regarding claim 9, Shimizu does not specifically disclose wherein said warning means comprises:

a phototransistor mounted on each side of said vehicle, adjacent the rear thereof, each of said phototransistors electrically connected to said microprocessor means; an audible alarm means electrically connected to said microprocessor means for audibly alerting a driver if said phototransistors detect a trailing vehicle within a predetermined range of said vehicle. However, Tsuchiya teaches the use of a vehicle detection means for alerting a driver of an approaching vehicle (fig.1, element 100 is an vehicle detection means that utilizes the image information from cameras 11a and 11b, speed sensor 4, and other photoelectric sensors for detecting the approaching vehicle, wherein sensors are utilized for determining if the approaching vehicle is at a safe distance or range, col. 6, ln.19-30, wherein Tsuchiya discloses that the optical system 10 has photoelectric sensors elements 11a, 11b, 12a and 12b for permitting the determination of approaching vehicles to detect oncoming vehicles with photoelectrical sensors to properly detect approaching vehicles, in that photoelectrical sensors have

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photoelectrical components like phototransistors to detect visual data, and that in figure 2, has a microprocessors 120 to process the alerting of the driver of oncoming vehicles). Since Tsuchiya provides the warning means, it would have been obvious to one of ordinary skill in the art to apply audible alarm means for performing the task of alarming or providing a sound warning the driver of approaching vehicles so as to avoid potentially colliding with the approaching vehicles and preventing accidents. Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Shimizu and Tsuchiya, as a whole, for providing the driver pertinent information about approaching vehicles so as to drive at a safe distance and to prevent the occurrence of accidents (Tsuchiya col.1, ln.47-54).

Regarding claim 10, Shimizu does not specifically disclose further wherein said vehicle includes a turn signal switch means electrically connected to said microprocessor means for exclusively activating said audible alarm means if said trailing vehicle is within the predetermined range of said vehicle. However, Tsuchiya teaches the use of a vehicle detection means for alerting a driver of an approaching vehicle (fig.1, element 100 is an vehicle detection means that utilizes the image information from cameras 11a and 11b, speed sensor 4, and other photoelectric sensors for detecting the approaching vehicle, wherein sensors are utilized for determining if the approaching vehicle is at a safe distance or range, col.6, ln.31-48, Tsuchiya discloses the distances of the approaching vehicle(s) are measured by elements 11a, 11b, 12a and 12b to determine the position of the approaching vehicle so as to alert the driver of whether the approaching vehicle is within the certain range in order for the system to

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alert the driver of the closeness of the approaching vehicle). Since Tsuchiya provides the warning means, it would have been obvious to one of ordinary skill in the art to apply audible alarm means for performing the task of alarming or providing a sound warning the driver of approaching vehicles so as to avoid potentially colliding with the approaching vehicles and preventing accidents. Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Shimizu and Tsuchiya, as a whole, for providing the driver pertinent information about approaching vehicles so as to drive at a safe distance and to prevent the occurrence of accidents (Tsuchiya col.1, ln.47-54).

Regarding claim 11, Shimizu does not specifically disclose wherein each of said cameras is encased within a contoured, aerodynamic housing to minimize wind drag. However, it would have been obvious to one of ordinary skill in the art to encase the cameras in any form as needed or suited by design choice since encasing cameras into aerodynamic, protective cases is a well known practice for shielding cameras and providing sensible forms of concealing cameras so as to not slow down the speed of the vehicle.

Regarding claim 12, Shimizu discloses the implementation of multiple displays within the vehicle (fig.12, Shimizu discloses there are multiple video displays like fig.12(2), in that the left and right images are shown where the left and right cameras 10 of fig.11 are used to communicate with the displays as illustrated in figs.12 (2)-(12) and col.40, ln.49-55; also fig.21B, Shimizu discloses that the displays are mounted within the passenger compartment for being readily viewable to the driver when driving, and

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that fig.21B shows a multiple video display of the image data obtained by the camera units 10L, 10B and 10R). Shimizu does not specifically disclose wherein one of said displays is positioned immediately adjacent a first side of the steering wheel and another of said displays is positioned immediately adjacent an opposing side of the steering wheel. However, it would have been obvious to one of ordinary skill in the art to place the displays in any location on Shimizu's vehicle as desired by the user for conveniently viewing the displayed information so as to drive carefully with all of the necessary, precise video information of the perspectives obtained by the cameras in order to prevent accidents.

Regarding claim 13, Shimizu discloses wherein the third camera is immediately adjacent a top edge of a rear window on the vehicle for replacing a conventional rear view mirror (fig.1, note element 10 can be placed on top edge of rear window for obtaining the vehicle's rear image data).

(10) Response to Argument

Regarding lines 1-3 and lines 10-11 on page 6 of appellant's remarks, appellant asserts that Shimizu does not disclose or suggest a pair of displays but instead a single segmented display for depicting images from the respective cameras. The examiner respectfully disagrees. In column 40, lines 49-55, Shimizu's figure 12 discloses there are a pair of video displays like fig.12(2), in that the left and right images are shown simultaneously for being readily visible to the driver where the left and right cameras 10 of fig.11 are used to communicate with the L and R displays as illustrated in fig.12 (2). Shimizu discloses the images can be simultaneously seen and displayed on one

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screen. Thus, Shimizu meets the broad limitations of claim 6, and Shimizu discloses a pair of displays mounted within said passenger compartment, and positioned therein to be readily visible by a driver, each video display in selective communication with a designated one of said cameras.

Regarding lines 3-6 on page 6 of appellant's remarks, appellant states that the claimed invention combines the convenience of camera monitoring with the comfort and familiarity of side view mirrors allowing a driver to observe trailing vehicles by glancing at the same locations as one would if driving a vehicle with conventional mirrors. The appellant's claim 6 does not specifically disclose anything about combining "the convenience of camera monitoring with the comfort and familiarity of side view mirrors allowing a driver to observe trailing vehicles by glancing at the same locations as one would if driving a vehicle with conventional mirrors", and that claim 6 makes no mention of side view mirrors. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Regarding lines 3-4 on page 7 of appellant's remarks, appellant states that Shimizu is not designed to replace conventional rear and side view mirrors. The examiner respectfully disagrees. First, claim 6 makes no mention of "rear and side view mirrors". In column 40, lines 49-55, Shimizu's figure 12 discloses there are a pair of video displays like fig.12(2), in that the left and right images are shown simultaneously for being readily visible to the driver where the left and right cameras 10 of fig.11 are used to communicate with the L and R displays as illustrated in fig.12 (2). Shimizu

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discloses the images can be simultaneously seen and displayed on one screen. Thus, Shimizu's teaching can be designed to replace conventional rear and side view mirrors by providing the rear and side views to be simultaneously displayed on one screen.

Regarding lines 10-12 on page 7 of appellant's remarks, appellant states that the prior art is devoid of any suggestion or teaching of using multiple cameras each having a designated display in combination with a vehicle. The examiner respectfully disagrees. In figure 11, Shimizu discloses there are cameras 10 located on the right (R) and left (L) sides of the vehicle. Also on page 23, column 43, line 54 to column 44, line 7, Shimizu's figure 21A, element 10L is a camera mounted on the left side of vehicle 1, and element 10R is the camera mounted on the right side of the vehicle 1. In column 40, lines 49-55, Shimizu's figure 12 discloses there are a pair of video displays like figure 12(2), in that the left and right images are shown simultaneously for being readily visible to the driver where the left and right cameras 10 of figure 11 are used to communicate with the L and R displays as illustrated in figure 12 (2). In column 43, lines 32-38, Shimizu discloses the use of parking assist ECU (electronic control unit) 76 in that it comprises a microprocessor as shown in figure 3 of the ECU 6, wherein figure 3 illustrates the use of a microprocessor or DSP 20 for communicating with the left and right cameras 10 of figure 19 so as to produce the left and right displays of the image data obtained by the left and right cameras. And in column 44, lines 23-30, Shimizu discloses the images are simultaneously displayed, and that the system can be set to continuously check the broad area, including the left, right and rear areas, of the images as transmitted by the left, right and rear cameras for continuously transmitting the

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images to the driver, as seen in figure 12 (2)-(4), in that multiple images from multiple cameras can be simultaneously displayed by continuously transmitting the image data obtained by the left, right and rear cameras. Thus, Shimizu discloses the teaching of using multiple cameras each having a designated display in combination with a vehicle.

Regarding line 18 on page 7 to line 1 on page 8 of appellant's remarks, appellant states that Shimizu does not disclose a means for alerting a driver of an approaching vehicle, as claimed in claim 8. The examiner respectfully disagrees. In column 43, lines 32-38 and column 44, lines 18-22, Shimizu discloses the alarm is displayed to warn the driver of an obstructive object that does include approaching cars and vehicles. Thus, Shimizu discloses a warning means for alerting a driver of an approaching vehicle.

Regarding lines 5-8 on page 8 of appellant's remarks about claims 9-13, appellant states that the combination of Shimizu and Tsuchiya does not disclose the claimed features. The examiner respectfully disagrees. The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one of ordinary skill in the art to combine the teachings of Shimizu and Tsuchiya, as a whole, for providing the driver

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pertinent information about approaching vehicles so as to drive at a safe distance and to prevent the occurrence of accidents, as suggested in Tsuchiya's column 1, lines 47-54.

One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Regarding lines 7-9 on page 10 of appellant's remarks, appellant states that Tsuchiya's device does not disclose or suggest a warning system for alerting a driver of an approaching vehicle, particularly in combination with the claimed peripheral viewing system as set forth in the intervening claims. The examiner respectfully disagrees. In figure 1, Tsuchiya discloses element 100 is an vehicle detection means that utilizes the image information from cameras 11a and 11b, speed sensor 4, and other photoelectric sensors for detecting the approaching vehicle, wherein sensors are utilized for determining if the approaching vehicle is at a safe distance or range, also see column 6, lines 19-30, wherein Tsuchiya discloses that the optical system 10 has photoelectric sensors elements 11a, 11b, 12a and 12b for permitting the determination of

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approaching vehicles to detect oncoming vehicles with photoelectrical sensors to properly detect approaching vehicles, in that photoelectrical sensors have photoelectrical components like phototransistors to detect visual data, and that in figure 2, has a microprocessors 120 to process the alerting of the driver of oncoming vehicles. Thus, Tsuchiya teaches the vehicle detection means for alerting a driver of an approaching vehicle. Since Tsuchiya provides the warning means, it would have been obvious to one of ordinary skill in the art to apply audible alarm means for performing the task of alarming or providing a sound warning the driver of approaching vehicles so as to avoid potentially colliding with the approaching vehicles and preventing accidents. Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Shimizu and Tsuchiya, as a whole, for providing the driver pertinent information about approaching vehicles so as to drive at a safe distance and to prevent the occurrence of accidents, as suggested in Tsuchiya's column 1, lines 47-54.

Regarding lines 1-4 on page 11 of appellant's remarks, appellant discloses that the limitations of claim 9 is not disclosed in Tsuchiya. The examiner respectfully disagrees. It is the combination of Shimizu and Tsuchiya that must be considered as a whole for determining whether the limitations of claim 9, not just Shimizu or Tsuchiya alone. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it

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that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In figure 1, Tsuchiya discloses element 100 is an vehicle detection means that utilizes the image information from cameras 11a and 11b, speed sensor 4, and other photoelectric sensors for detecting the approaching vehicle, wherein sensors are utilized for determining if the approaching vehicle is at a safe distance or range, also see column 6, lines 19-30, wherein Tsuchiya discloses that the optical system 10 has photoelectric sensors elements 11a, 11b, 12a and 12b for permitting the determination of approaching vehicles to detect oncoming vehicles with photoelectrical sensors to properly detect approaching vehicles, in that photoelectrical sensors have photoelectrical components like phototransistors to detect visual data, and that in figure 2, has a microprocessors 120 to process the alerting of the driver of oncoming vehicles. Thus, Tsuchiya teaches the vehicle detection means for alerting a driver of an approaching vehicle. Since Tsuchiya provides the warning means, it would have been obvious to one of ordinary skill in the art to apply audible alarm means for performing the task of alarming or providing a sound warning the driver of approaching vehicles so as to avoid potentially colliding with the approaching vehicles and preventing accidents. Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Shimizu and Tsuchiya, as a whole, for providing the driver pertinent information about approaching vehicles so as to drive at a safe distance

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and to prevent the occurrence of accidents, as suggested in Tsuchiya's column 1, lines 47-54.

Regarding lines 8-12 on page 11 of appellant's remarks, appellant states that the combination is not obvious and that there is no motivation or suggestion to combine the teachings. The examiner respectfully disagrees. The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one of ordinary skill in the art to combine the teachings of Shimizu and Tsuchiya, as a whole, for providing the driver pertinent information about approaching vehicles so as to drive at a safe distance and to prevent the occurrence of accidents, as suggested in Tsuchiya's column 1, lines 47-54.

Regarding line 18 on page 11 to line 4 on page 12 of appellant's remarks, appellant states that hindsight reconstruction cannot be used to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. The examiner respectfully disagrees. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made,

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and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Regarding lines 8-12 on page 13 of appellant's remarks, appellant argues hindsight reconstruction cannot be used and that the examiner has merely broken down the claimed invention into individual components, and purportedly located each element in a reference. The examiner respectfully disagrees. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Regarding the last paragraph on page 14 to line 6 on page 15 of appellant's remarks, appellant states that there was no explanation provided as to how the references suggest the claimed combination of elements, and that the features of claim 10 were ignored. The examiner respectfully disagrees. First, vehicles such as cars or trucks have right turn signal switch and left turn signal switch for alerting one of turning the vehicle to the right or left that is electrically connected to microprocessor. In column 6, lines 31-48, Tsuchiya discloses the distances of the approaching vehicle(s) are measured by elements 11a, 11b, 12a and 12b to determine the position of the

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approaching vehicle so as to alert the driver of whether the approaching vehicle is within the certain range in order for the system to alert the driver of the closeness of the approaching vehicle. Since Tsuchiya provides the warning means, it would have been obvious to one of ordinary skill in the art to apply audible alarm means for performing the task of alarming or providing a sound warning the driver of approaching vehicles so as to avoid potentially colliding with the approaching vehicles and preventing accidents. Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Shimizu and Tsuchiya, as a whole, for providing the driver pertinent information about approaching vehicles so as to drive at a safe distance and to prevent the occurrence of accidents, as disclosed in Tsuchiya's column 1, lines 47-54.

Regarding lines 11-12 on page 16, and line 18 on page 17 to line 1 on page 18 of appellant's remarks, appellant states that the examiner used official notice to reject claims 11-12. The examiner respectfully disagrees. The term "official notice" has not been used or stated in the rejection by the examiner. Thus, Official Notice was not used. The examiner uses the assertion that, for claim 11, since Shimizu does not specifically disclose wherein each of said cameras is encased within a contoured, aerodynamic housing to minimize wind drag, however, it would have been obvious to one of ordinary skill in the art to encase the cameras in any form as needed or suited by design choice since encasing cameras into aerodynamic, protective cases is a well known practice for shielding cameras and providing sensible forms of concealing cameras so as to not slow down the speed of the vehicle. The use of coverings for encasing cameras with aerodynamic, protective cases are well known in the art of

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shielding the cameras from the harsh outside conditions from damaging the internal parts of the cameras so as to permit operation of obtaining images under intense outside conditions, and that one of ordinary skilled in the art can easily acknowledge and implement these simple adjustments to protect expensive cameras from external damage, and that the well known feature of encasing cameras into aerodynamic, protective cases is not inventive nor patentable to one of ordinary skilled in the art. The test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Regarding lines 12-16 on page 17 of appellant's remarks, appellant states that claim 12 is not merely an arbitrary choice, but a creative design so that the displays replace and emulate side view mirrors. The examiner respectfully disagrees. The test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references

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themselves or in the knowledge generally available to one of ordinary skill in the art.

See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In figure 12, Shimizu discloses there are multiple video displays like figure 12(2), in that the left and right images are shown where the left and right cameras 10 of figure 11 are used to communicate with the displays as illustrated in figures 12 (2)-(12), as disclosed in column 40, lines 49-55.

Also in figure 21B, Shimizu discloses that the displays are mounted within the passenger compartment for being readily viewable to the driver when driving, and that fig.21B shows a multiple video display of the image data obtained by the camera units 10L, 10B and 10R. Thus, Shimizu discloses the implementation of multiple displays within the vehicle. Shimizu does not specifically disclose wherein one of said displays is positioned immediately adjacent a first side of the steering wheel and another of said displays is positioned immediately adjacent an opposing side of the steering wheel. However, it would have been obvious to one of ordinary skill in the art to place the displays in any location on Shimizu's vehicle as desired by the user for conveniently viewing the displayed information so as to drive carefully with all of the necessary, precise video information of the perspectives obtained by the cameras in order to prevent accidents.

Regarding lines 16-18 on page 17 of appellant's remarks, appellant states that the examiner has solely relied on common knowledge. The examiner respectfully disagrees. All of the statements made for rejecting claims 11-12 are based on well

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known concepts and teachings to one of ordinary skill in the art. See the above paragraphs for analysis as these issues for claims 11-12 were addressed above.

Regarding lines 11-12 on page 18 of appellant's remarks, appellant states that claim 13 is patentable for reasons as stated for claim 12 and all of the preceding claims. The examiner respectfully disagrees. Claim 13 is rejected for at least the reasons as stated above for the preceding claims 6-12.

Thus, the rejection of claims 6-13 is maintained.

(11) Evidence Appendix

There is no evidence appendix.

(12) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Allen Wong/
Primary Examiner, Art Unit 2621
1/10/09

Conferees:

/Mehrdad Dastouri/

Supervisory Patent Examiner, Art Unit 2621

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621

